A

# BILL

[AS AMENDED BY THE LORDS]

INTITULED

## An Act to extend the Act of the Twenty-fourth Year of King George the Third, Chapter Twenty-six, for issuing Writs during ~~the Prorogation or Adjournment~~ *any Recess* of the House of Commons, *whether by Prorogation or Adjournment.*

[Note.—*The Words struck through were omitted and the Words and Clause in Italics were inserted by the Lords.*]

WHEREAS Provision is made by the Twenty-fourth of George the Third, Chapter Twenty-six, for the issuing of Writs ~~during the Adjournment or Prorogation of the House of Commons in certain Cases~~ *by Warrant of the Speaker of the House of Commons during any Recess of the said House, whether by Prorogation or Adjournment*: And whereas the said Act has been found advantageous to the Public, by causing speedy Elections, and it is expedient that the Provisions thereof be further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons ~~during any Prorogation or Adjournment~~, *for the Time being during any Recess of the House as aforesaid*, to issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Member of

Speaker to issue Warrants for making out new Writs in the Room of Members



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accepting certain Offices.

of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

Notice required from Members concerned.

II. Provided ~~also,~~ *always*, That any Member of the House of Commons accepting any such Office as aforesaid shall forthwith notify his Acceptance thereof to the Speaker, either by Writing under the Hand of such Member or by his countersigning the said Certificate relating to such Acceptance, ~~and the said Certificate shall be null,~~ and the Speaker shall not issue his Warrant in pursuance of this Act without having ~~previously~~ received such Notification, *and until Fourteen Days after he shall have caused Notice of his having received such Certificate and Notification to be inserted in the London Gazette.*

If Speaker in doubt, Warrant not to issue.

III. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

CLAUSE (A.) Act not to apply to certain Offices.

*Provided always, That this Act shall not in any way apply to the Acceptance of any of the following Offices; that is to say, the Office of Steward or Bailiff of Her Majesty's Three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the Manor of East Hendred, or of the Manor of Northstead, or of the Manor of Hempholme, or of Escheator of Munster.*

24 G. 3. c. 26. incorporated with this Act.

IV. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

Short Title.

V. This Act may be cited as the "Election of Members during Recess Act, 1858."

SCHE-

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## SCHEDULE.

We whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of .

*A.B.*
*C.D.*

To the Speaker of the House of Commons.

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*Ordered, by* The House of Commons, *to be Printed,*
*29 July* 1858

[Bill 247.]

*Under* 1 *oz.*

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